IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

CLEARONE COMMUNICATIONS, INC., a Utah corporation, Plaintiff, v. ANDREW CHIANG, an individual; JUN YANG, an individual; LONNY BOWERS, an individual; WIDEBAND SOLUTIONS, INC., a Massachusetts corporation; VERSATILE DSP, INC.; a Massachusetts corporation; and BIAMP SYSTEMS CORPORATION, an Oregon corporation, Defendants.	**MEMORANDUM DECISION AND ORDER GRANTING AWARD OF ATTORNEYS' FEES AND EXPENSES** Case No. 2:07-cv-37-TC-DN District Judge Tena Campbell Magistrate Judge David Nuffer

On November 19, 2009, the District Judge ordered[1] that Lonny Bowers, Jun Yang, WideBand Solutions of Massachusetts (WideBand), and third-party DialHD, Inc. (collectively the Contemnors) pay attorneys' fees and damages sustained by Plaintiff ClearOne Communications Inc.'s (ClearOne) as a result of their contemptuous behavior which she adjudicated in that order. The District Judge ordered that "ClearOne shall submit an affidavit and documentation of the costs and attorneys' fees as soon as practicable but no later than Monday, December 21, 2009, after which the Magistrate Judge shall issue a ruling awarding those costs and fees reasonably incurred . . . ."[2]

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[1] Memorandum Decision and Order of Contempt, docket no. 2009, filed November 19, 2009.

[2] *Id.* at 64.

ClearOne submitted a declaration supporting the claim for $119,435 attorneys' fees and $65,071.52 costs.[3] The magistrate judge ordered a response be made by January 5, 2010.[4] Contemnors responded on January 5, 2010 with their objections.[5]

The magistrate judge has carefully reviewed the submission from ClearOne and finds it proper in every respect. ClearOne has provided the court (and counsel for the Contemnors) with a spreadsheet that detailed its attorney fees and other expenses incurred in the litigation. In addition, ClearOne has provided the court with extensive documentation (approximately 157 pages) in support of its claim for fees and expenses. This court finds this documentation to adequately support ClearOne's claim for fees and expenses.

Counsel for the Contemnors, Mr. Randolph Frails, has objected because ClearOne's extensive documentation was filed under seal, and consequently not provided to Mr. Frails. However, ClearOne's documentation was rightfully withheld from Mr. Frails because this court had previously prohibited Mr. Frails from ClearOne's protected information.[6] Even so, Mr. Frails could have arranged for WideBand's Utah counsel, Mr. Jeffrey Silvestrini, to sign the Undertaking attached to the Confidentiality Order in this case.[7] This would have allowed Mr. Silvestrini, or any other proper representative of Mr. Frails, to access, review, and respond to ClearOne's documentation. Since Mr. Frails did not take advantage of this opportunity, the court finds no merit in his objection.

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[3] Declaration of Jennifer Fraser Parrish . . . , docket no. 2036, filed December 21, 2009; Highly Confidential Exhibit B to Declaration of Jennifer Fraser Parrish, docket no. 2037, filed under seal December 21, 2009.

[4] Order for Response to Claim of Attorneys' Fees and Costs, docket no. 2050, filed December 30, 2009.

[5] Defendants' . . . Objection to Plaintiff's Request for Attorney's Fees and Declaration of Plaintiff's Counsel . . . in Support Thereof, docket 2054, filed January 5, 2010.

[6] Memorandum Decision and Order Granting Motion [1823] for Protective Order, docket no. 1923, filed September 14, 2009.
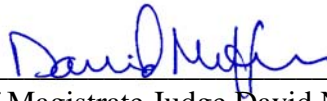
[7] Confidentiality Order, docket no. 74, filed March 9, 2007.

ORDER

IT IS HEREBY ORDERED that Lonny Bowers, Jun Yang, WideBand Solutions of Massachusetts (WideBand), and third-party DialHD, Inc., are jointly and severally liable to ClearOne in the sum of $184,506.52.

Dated this 29th day of January, 2010.

BY THE COURT

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Chief Magistrate Judge David Nuffer